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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/734,157	12/11/2000	Vinay Kundaje	1999-0565	4211

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EXAMINER

CHOW, MING

ART UNIT

PAPER NUMBER

2645

DATE MAILED: 07/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/734,157

Applicant(s)

KUNDAJE ET AL.

Examiner

Ming Chow

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The following shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

1. Claim 1, 9 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The phrase “without first receiving a signal from another member of the user group requesting a call initiation or indicating acceptance of the first call initiation request” is not disclosed by the specification. The specification, on section [0006], disclosed “a second member of the group may send a second call initiation request while the first call is in progress”. The specification did not disclose and support “signaling to the other members.....without first requiring a signal from another member of the user group requesting a call initiation”. Also, the amendment is

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interpreted as “without first receiving a signal from another member of the user group requesting a call initiation” or “without first indicating acceptance of the first call initiation request”. The “without first indicating acceptance of the first call initiation request” contradicts with the claimed “signaling to the other members.....the first member has accepted the first call initiation”.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-3, 5, 7, 9-11, 13, 15, 18, 19, 21, 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Alfred (US: 6393275).

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For claims 1, 7, 9, 15, Alfred teaches on column 4 line 45 to column 5 line 16, a call setup request for the telephone number associated with a user group is received. Notification of the incoming call is delivered to all cellular telephones associated with the cellular telephone line. A first response is received and the call is set up with the first responding cellular phone. The call is set up as soon as the first response is received and before other responses are received from other members. Therefore, the call setup does not require response signals from other members and consequently the “line in use” (claimed “signaling to the other members that the first member has accepted the first call”) does not require response signals from other members. When the other cellular phones try to respond after the first member responded to the call, the other cellular phones receive “line in use” message indicating the call has been accepted.

Regarding claims 2, 10, Alfred teaches on column 6 line 14-19 and column 7 line 10-19 a second member sends a request to join the first call and a conference call is so set up.

Regarding claims 3, 11, Alfred teaches on column 6 line 59 to column 7 line 2 the first member signals to drop the call with the third party so to block the other members from joining the first call.

Regarding claims 5, 13, Alfred teaches on column 6 line 59 to column 7 line 2 second member request a call initiation request and is so connected.

Regarding claims 18, 21, all rejections as stated in claims 1 and 2 apply.

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Alfred teaches on column 6 line 52-53 connects EXT1 and EXT2 (reads on claimed “a third signal”).

Regarding claims 19, 22, Alfred teaches the claimed “first signal” by ringing all members’ cellular phones (column 4 line 64-66). Alfred teaches on column 5 line 10-14 “line in use” indicating the call has been accepted and connected. The “ringing” and “line in use” are the claimed “outputting an indication”.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 4, 6, 12, 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alfred as applied to claim 1 above, and in view of Jonsson (US: 6115613).

Regarding claims 4, 12, Alfred failed to teach “receiving from.....alerting the.....receiving an.....connecting a.....second member”. However, Jonsson teaches on column 3 line 28-41 members of a subscriber group have both a group identity and an individual identity for each of the members. Incoming call can be directed to a specific member of the group. Therefore, the second member as claimed (as a member of the group) can receive a second call

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initiation request. Also, "Official Notice" is taken that it is old and well known to one skilled in the art that when the second member receives the call initiation request (also reads on the claimed "alerting the second member"), the second member can respond with acceptance of the call request and thereafter the call is connected. It would have been obvious to one skilled at the time the invention was made to modify Alfred to have the "receiving from.....alerting the.....receiving an.....connecting a.....second member" as taught by Jonsson such that the modified system of Alfred would be able to support the second call initiation request and connect the second call to the system users.

Regarding claims 6, 14, Alfred failed to teach "signaling the.....the first member". However, Jonsson teaches on column 6 line 15-26 the calling party's name and phone number are displayed at on group member's mobile phones. Also, the name of the responding group member is displayed on other group members' mobile phones. It would have been obvious to one skilled at the time the invention was made to modify Alfred to have the "signaling the.....the first member" as taught by Jonsson such that the modified system of Alfred would be able to support the signalings to identify the initiating party and the responding member to the system users.

4. Claims 8, 20 , 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alfred as applied to claim 1 above, and in view of Grube et al (US: 5463617). Alfred failed to teach "the other members.....supervisory authority". However, Grube et al teach on column 4 line 62-67 a supervisory communication unit among a communication group supersedes all other

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transmissions. It would have been obvious to one skilled at the time the invention was made to modify Alfred to have the “the other members.....supervisory authority” as taught by Grube et al such that the modified system of Alfred would be able to support the supervisory member to the system users.

5. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Alfred as applied to claim 9 above, and in view of Ahya et al (US: 6600928).

Alfred teaches on column 2 line 25 to column 4 line 42 establishing a new user group.

Alfred failed to teach “a request over a network”. However, Ahya et al teach on column 5 line 19-22 creating a group (mobile communication device) over a network.

It would have been obvious to one skilled at the time the invention was made to modify Alfred to have the “a request over a network” as taught by Ahya et al such that the modified system of Alfred would be able to support the request over a network to the system users.

6. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Alfred as applied to claim 9 above, and in view of Rosenthal et al (US: 5953400).

Alfred failed to teach “receive a request.....the user group”. However, Rosenthal et al teach on column 8 line 21-26 a member reconfigures a group and the reconfigured data are stored into the database.

It would have been obvious to one skilled at the time the invention was made to modify Alfred to have the “receive a request.....the user group” as taught by Rosenthal et al such that the

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modified system of Alfred would be able to support the request from a member to modify attributes of the user group to the system users.

Response to Arguments

7. Applicant's arguments filed on 3/11/05 have been fully considered but they are not persuasive.

1. Applicant argues, on pages 8-10, regarding claims 1, 9. Applicant cited the section [0025] and [0030] of the current specification, the call management system sends acceptance notification over network to the members, other than first member of user group. Nowhere in this particular section states the management system sends acceptance notification to the members **without first receiving** a signal from another member of the user group. According to the cited section [0025] of the current specification, another member of the user group may perfectly send a signal before the management system sends acceptance notification to the other members. Whether another member does or does not send a signal before the management system sends acceptance notification to the other members, the current specification is silent. Therefore, the current specification does not support the claimed “without first receiving a signal from another member of the user group”. Further, it is not obvious to one skilled in the art to implement such a limitation of restricting or preventing receiving a signal from another member before

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sending an acceptance notification to members. Therefore, the USC 112 rejections as stated in the previous Office Action remains.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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8. Any inquiry concerning this application and office action should be directed to the examiner Ming Chow whose telephone number is (703) 305-4817. The examiner can normally be reached on Monday through Friday from 8:30 am to 5 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached on (703) 305-4895. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Customer Service whose telephone number is (703) 306-0377. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

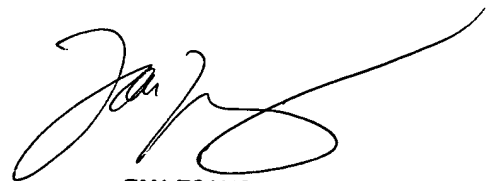
Washington, D.C. 20231

Or faxed to Central FAX Number 703-872-9306.

Patent Examiner

Art Unit 2645

Ming Chow



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